




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-133	PAGE NUMBER 1 of 6
		SUBJECT: PAROLE SERVICES: Discharge from Supervision	
Approved By:  Secretary of Corrections		Original Date Issued:	09-01-95
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		Replaces Amendment Issued:	02-01-01
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 06-13-11	

POLICY

When an offender under parole or interstate compact supervision has demonstrated satisfactory cooperation in the development and compliance with the case plan, and his/her behavior and performance is determined to be appropriate, the parole officer may recommend an early discharge from supervision. Offenders under post-incarceration supervision subject to the earning of good time credits shall be discharged in accordance with the application of good time credits to their projected sentence discharge date.

DEFINITIONS

Automated Good Time Log: The Offender Management Information System (OMIS) computer screen designated for entry and computation of post-incarceration good time.

Conditional Release (CR) Date: Date attained by applying earned good time credits to the sentence expiration date.

Determinate Sentence: A sentence which cites a definitive prison term which may be reduced by good time credits. For purposes of this IMPP, offenders sentenced pursuant to S.B. 323, S.B. 360 and S.B. 479 shall be considered to have a determinate sentence.

Discharge from supervision: Legal satisfaction of the sentence by the action of the releasing authority or by expiration of sentence.

Discharge recommendation: A written recommendation by the parole officer to the releasing authority requesting that the offender be granted discharge prior to the expiration of sentence.

Early discharge: Discharge prior to the sentence expiration date by action of the releasing authority.

Indeterminate Sentence: A sentence with a prescribed minimum and maximum term with release and sentence discharge being determined by the court or other authority.

Post-incarceration supervision: The supervision of offenders for any type of release from a KDOC facility, to include parole, conditional release, and post-release release.

Post-release supervision: Refers only to the supervision of inmates released as the result of Sentencing Guidelines.

Post-release supervision period: The period of supervision which follows the prison portion of a determinate (guidelines) sentence. This period is equal to the term ordered by the court plus earned and received good time credits used to reduce the prison portion of the determinate sentence less applicable good time credits earned while on post-release supervision.

Sentence discharge date: The calendar date in which the offender's determinate sentence is satisfied.

Sentence expiration date: Discharge due to expiration of sentence.

PROCEDURES

I. DISCHARGE ELIGIBILITY

A. Early Discharge

1. Offenders released by authority of the Kansas Parole Board or via conditional release may be considered for early discharge after a minimum period of one year from release has elapsed.
2. Offenders released by authority of the sentencing judge or by the releasing authority in other states vary in their eligibility for early discharge consideration and should be considered on a case-by-case basis.

B. Sentence Expiration Date

1. Offenders serving indeterminate sentences released by the Kansas Parole Board or via conditional release who reach their sentence expiration date shall be considered to be discharged from supervision.

C. Sentence Discharge Date

1. Offenders with determinate sentences whose post-release supervision period is not reducible by application of good time credits shall be discharged from supervision upon serving the appropriate post-release supervision term plus the good time credit used to reduce the period of incarceration.
2. Offenders with determinate sentences whose post-release supervision period is reducible by application of good time credits shall be discharged from supervision upon serving the post-release supervision term plus the good time credit used to reduce the period of incarceration period, less good time credits earned while under supervision.

II. DISCHARGE PROCESSING

A. Early Discharge

1. It shall be the responsibility of the parole officer to, on at least an annual basis, review the case of each offender under probation, parole, or conditional release supervision to determine if case plan objectives have been achieved to the degree determined to merit discharge consideration.
 - a. The Parole Officer shall, upon request of the Kansas Parole Board, provide a current progress report outlining an offender's progress taking into consideration the factors listed below.
2. Considerations for recommending discharge are completion of goals and objectives as outlined in the case plan, and risk/need, and other factors which may include:

- a. Criminal History;
 - b. Length of time under supervision;
 - c. Residence stability;
 - d. Employment stability;
 - e. Law enforcement contact;
 - f. Substance abuse;
 - g. Court cost and restitution balance;
 - h. Psychological considerations; and,
 - i. Payment of supervision fees.
3. After determining the offender's eligibility for discharge consideration the parole officer shall submit a Case Report to the releasing authority through the Parole Director or designee entitled "discharge recommendation" for any offender being considered for early discharge.
 - a. Correspondence on compact cases shall be forwarded to the Kansas Deputy Compact Administrator or designee who will forward the report to the sending state.
 - b. If the Parole Director or designee does not concur with the recommendation, the report shall be returned to the parole officer with an explanation of non-concurrence
 4. The offender shall be maintained under active supervision until the discharge certificate arrives unless the sentence expiration date arrives first.
 5. Discharge recommendations on Kansas offenders with indeterminate sentences being supervised out-of-state shall be reviewed by the Deputy Compact Administrator or designee prior to submission to the Kansas Parole Board for decision.
 - a. The Deputy Compact Administrator or designee shall forward all requests for discharge to the Kansas Parole Board for their consideration.
 - (1) Should the Kansas Parole Board issue a discharge certificate, it shall be forwarded to the receiving state. If not, the Deputy Compact Administrator shall return a narrative to the receiving State which outlines Kansas Parole Board expectations.
 6. Prior to forwarding an early discharge request to the Kansas Parole Board members for consideration, the Parole Board Administrator shall forward the request to Victim Services for input.
 - a. Victim Services shall provide a response to the Parole Board Administrator within 30 days of their receipt of the early discharge request.
 - b. Upon receipt of the comments from Victim Services, the Parole Board Administrator shall forward the request and comments to the Kansas Parole Board members for discharge consideration.

B. Sentence Expiration Date/Sentence Discharge Date.

1. It shall be the responsibility of the Central Office Sentence Computation Unit to verify the sentences of Kansas offenders under supervision in state, and those under supervision out of state, appearing to be eligible for discharge due to sentence expiration.
2. An OMIS computer listing shall be generated by a designated Sentence Computation Unit staff member between the 1st and the 5th days of the month preceding the offender's sentence expiration or sentence discharge date.
3. Designated Sentence Computation Unit staff shall verify the accuracy of the sentence expiration/sentence discharge dates by reviewing the following:
 - a. The sentence record in OMIS to determine sentence type and good time applicability.
 - b. If good time is applicable, the Automated Good Time Log shall be reviewed to ensure that all good time awards were completed pursuant to IMPP 14-120.
 - c. After review and verification of an offender's sentence and expiration/discharge date, the reviewing staff member shall place their initials next to the offender's sentence expiration date on the printout.
 - d. If the sentence expiration/sentence discharge date is not correct, the reviewer shall indicate the nature of the discrepancy on the report, and indicate the correct sentence expiration/discharge date.
4. The verified expiration/discharge listing shall be forwarded to the Parole Services Manager or designee by the 10th working day of the month in which the report was generated.
5. The Parole Services Manager, or designee, shall review the listing, and shall bring to parole staff attention, any unresolved errors.
 - a. When it has been determined by the Parole Services Manager or designee that any errors have been corrected, and the listing contains correct information, the listing shall be signed and dated with a notation that the listing has been verified.
6. Upon verification of the listing, the Parole Services Manager, or designee, shall forward it to designated parole staff for issuance of certificates and computer coding of the sentence expiration dates.

III. CODING OF THE MOVEMENT AND DISTRIBUTION OF THE CERTIFICATES

A. Expiration of Sentence/Sentence Discharge.

1. Upon receipt of the computer listing provided by the Parole Services Manager, the staff member(s) designated by the Parole Director(s) shall issue a discharge certificate.
 - a. If no absconder warrant or other unusual circumstances exist, the original and one copy of the certificate shall be forwarded to the

appropriate parole office, with one additional copy each being forwarded to Central Office Records and KBI records.

- (1) The original and two copies of the certificate shall be forwarded to the Deputy Compact Administrator in Central Office for those offenders under supervision out of state with one additional copy being forwarded to KBI records.
 2. The designated staff member(s) for certificate issuance shall ensure that the expiration of sentence/sentence discharge date computer OMIS movement, and change of status/officer assignment in TOADS, is made no later than one week after the actual expiration of sentence date.
 3. Prior to entering the expiration of sentence/sentence discharge date into the computer, the staff member responsible for entering the data shall ensure that any warrant previously entered in OMIS has been withdrawn.
 - a. Should an absconder or condition violation warrant exist, the matter shall be referred to the parole officer's supervisor for appropriate action.
 - (1) Matters involving interstate compact offenders should be referred to the Deputy Compact Administrator or designee.
 4. If it is determined that the warrant will be withdrawn, the warrant withdrawal OMIS movement shall be completed by the parole supervisor for Kansas cases being supervised in state, or by the Deputy Compact Administrator, or designee, for Kansas offenders being supervised out of state.
 - a. The subsequent "RD" movement shall be completed by the designated staff member for certificate issuance after receiving notification that the warrant withdrawal has been made in OMIS.
 5. Should parole staff determine that a Kansas offender being supervised in state is eligible for discharge due to application of good time credits or other factors, after the initial verification of the computer listing, an e-mail shall be forwarded from the parole supervisor to the designated staff member for certificate issuance, who shall be provided with appropriate information for issuance of a discharge certificate.
 - a. "RD" movements shall be made by the designated staff member for certificate issuance in the case of Kansas cases being supervised in state.
 6. Interstate compact staff determining that an offender is eligible for discharge after verification of the computer listing shall refer the case to KPB support staff for certificate issuance.
 - a. "RD" movements for Kansas cases being supervised out of state shall be made by KPB support staff.
 7. Offenders reaching their sentence expiration/discharge date shall be provided with the original certificate.
- B. Early Discharge.
1. Upon issuance of the discharge certificate by the Kansas Parole Board, the KPB Administrator or designee shall enter the discharge movement in OMIS and forward the original discharge certificate and one copy to the parole officer of record for distribution.

- a. The movement date shall be the date of discharge from parole or conditional release.
2. The KPB Administrator or designee will forward the original and one copy of the early discharge certificate to interstate compact staff.
 - a. The original shall be mailed or delivered to the offender.
 - b. A copy may be made and retained in the working file (optional, per regional policy).

IV. CLOSURE OF THE WORKING FILE

- A. The working file shall be closed after the computer coding of the offender's discharge or expiration of sentence date has been made.
 1. The parole file shall be marked "Closed, Expiration of Sentence" or "Closed, Discharged", and shall be handled in accordance with records maintenance policies.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 22-3717, 22-3722
IMPP 05-103, 14-120

ATTACHMENTS

None.